

## TITLE 16. ACUPUNCTURE BOARD

### ORIGINAL PROPOSED REGULATORY LANGUAGE

The Board has illustrated changes to the original text in the following manner: underlined language identifies proposed additions to existing regulations and strikethrough language identifies proposed deletions of existing regulatory language.

#### 1. Amend Section 1399.450 to read:

##### 1399.450. Condition of Office.

(a) Every acupuncture office shall be maintained in a clean and sanitary condition at all times, and shall have a readily accessible bathroom facility in accordance with Title 24, Part 2, Building Standards Code Sections 494A.1 and 1994 Uniform Building Code Section 2902.3.

~~(b) In all offices where non-disposable needles are used, there shall be functioning sterilization equipment.~~

Note: Authority cited: Section 4933 Business and Professions Code. Reference: Sections ~~4938 and~~ 4955, Business and Professions Code; Section 494A.1, Building Standards Code; and Section 2902.3 of the 1994 Uniform Building Code.

#### 2. Amend Section 1399.451 to read:

##### 1399.451. Treatment Procedures.

In treating a patient, an acupuncturist shall adhere to the following procedures:

(a) The acupuncturist's hands shall be brush-scrubbed with soap and warm water immediately before examining patients or handling acupuncture needles and other instruments, and between patients.

(b) All ~~acupuncture needles and other~~ instruments shall be sterilized before and between uses in a manner which will destroy all microorganisms. All needle trays which contain sterile

needles shall also be sterile. Each time ~~needles or other~~ instruments are sterilized, the acupuncturist shall use a tape or strip indicator which shows that sterilization is complete.

(c) Acupuncture points, where needles are to be inserted, shall be cleaned with an appropriate antiseptic before insertion of the needle.

(d) In the event an acupuncture needle inserted in a patient breaks subcutaneously, the treating acupuncturist shall immediately consult a physician. An acupuncturist shall not sever or penetrate the tissues in order to excise such a needle.

(e) Any complication, including but not limited to, hematoma, peritonitis or pneumothorax arising out of acupuncture treatment shall be referred immediately to a physician or dentist or podiatrist, if appropriate, if immediate medical treatment is required.

(f) Acupuncture shall not be performed using hypodermic needles.

(g) All ~~acupuncture needles and~~ instruments to be discarded shall be disposed of safely ~~disposed of. Needles shall be discarded in one of the two following ways:~~

~~(1) — They shall be sterilized and discarded in a sealed container, or~~

~~(2) — They shall be placed in a sealed, unbreakable container marked "Hazardous Waste" and disposed of in a manner consistent with subsections (b), (c), (g) and (h) of Title 22 Cal. Code Reg. Section 66840.~~

(h) Needles shall be disposed of by placing them in a sealed, unbreakable container marked "Hazardous Waste" and disposed of in accordance with state and local law.

Note: Authority cited: Section 4933 Business and Professions Code. Reference: Section 4955, Business and Professions Code

**3. Add Section 1399.454 to read:**

**1399.454 Single Use Needles**

An acupuncturist shall use needles labeled for single use only that meet the requirements of federal regulations 21 CFR Part 880.5580 (61 FR 64617, December 6, 1996). It shall constitute unprofessional conduct for an acupuncturist to use a needle more than once.

Note: Authority cited: Section 4933 Business and Professions Code. Reference: Section 4955, Business and Professions Code